



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address : ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Prior art by Krishnamurthy
Notice of Non Response

SUPPLEMENTAL ACTION

1. This supplemental action is in response to applicant's correspondences dated 23 July 2002.

Withdrawal of Art

2. Applicant requests the prior art by Krishnamurthy be withdrawn as Cumulative Rejections are Not Allowed. MPEP 706.02 does not state that cumulative rejections are prohibited but they should be avoided. The examiner use of different art was done so as to guide applicant in future amendments based on and different interpretation of the claims language based on the body of prior art relevant to his. The applicant will note that the different aspects of each art was applied to claim 17 to illustrate these differences. This would well within the bounds of (A). For this reason Krishnamurthy will not be withdrawn.

Incomplete Action

3. With regards to the missing reference, Krishnamurthy, a copy is enclosed with this Action in order for the applicant to respond to the office action. As per MPEP 710.06 (Situation When Reply Period is Reset or Restarted), the period for reply is one month after mailing, of this correspondence.

Non Response to Objection to the Specification

4. The timely submission under 37 CFR 1.129(a) filed on 23 July 2002 is not fully responsive to the prior Office action because applicant failed to respond to objections to the specification. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period

of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

5. Applicant states page 5, last paragraph and continuing onto page 6, that "applicant does not comprehend the meaning of that paragraph" (presumably ¶ 33 of previous office action as ¶34 was addressing an issue that applicant raised in the interview). Examiner request that you be more specific in order to frame a response to applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Seal whose telephone number is 703 308 4562. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes can be reached on 703 305 9711. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746 7239 for regular communications and 703 746 7240 for After Final communications.

Art Unit: 2131

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 3900.

Jws

Jws
October 2, 2002

Gail Hayes

GAIL HAYES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100